

REMARKS

Claims 1-4 and 9-12 are pending in the application. Claims 1 and 9 are independent claims.

Claims 1-4 and 9-12 have been rejected under 35 U.S.C. § 102(e)/35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,314,876 (Ackley) in view of U.S. Patent No. 5,423,252 (Yamamoto), WO 91/01884 (Redford), WO 97/16075 (Ream) and U.S. Patent No. 4,578,273 (Krubert). This rejection is moot in light of the Declaration of Michael S. Wozniak submitted herewith under 37 C.F.R. § 1.131.

A reference is prior art under 35 U.S.C. § 102(e) when its effective filing date is prior to the applicants' invention date. The accompanying affidavit of Michael S. Wozniak establishes a date of invention prior to June 7, 1999. Accordingly, the Ackley reference may not be applied under 35 U.S.C. § 102(e), and the rejection is moot. Applicants respectfully request that this grounds of rejection be withdrawn.

The Examiner has also rejected the pending claims under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of U.S. Patent No. 5,423,252 (Yamamoto), WO 91/01884 (Redford), WO 97/16075 (Ream) and U.S. Patent No. 4,578,273 (Krubert) (*i.e.* the same references applied above, without the Ackley reference). Applicants respectfully request reconsideration of this rejection for reasons already of record.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our new address given below.

Respectfully submitted,

  
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